

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

04 Cr. 1224 (RWS)

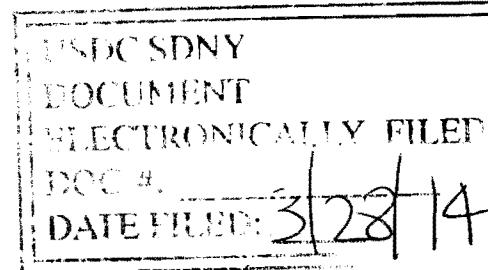
ULYSSES THOMAS WARE,
a/k/a THOMAS WARE,

OPINION

Defendant.

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Sweet, D.J.



Defendant Ulysses Thomas Ware's ("Ware" or "Defendant") criminal case was marked closed on February 2, 2009. The Second Circuit denied the appeal of his conviction on November 4, 2010.

On March 22, 2011, Defendant filed papers in his closed case. On April 19, 2011, this Court denied Defendant's papers, holding that Defendant's "filing raised no controlling decisions or factual matters that the Court did not consider in deciding Ware's motion for a new trial or to dismiss the indictment; in considering his barrage of applications, requests, letters, and motions that the Court dismissed with prejudice on March 17, 2011; or that were not considered by the Circuit Court in denying the appeal of his conviction, see

United States v. Ware, 339 Fed. App'x 659 (2d Cir. 2010)." April 19, 2011 Opinion ("April Opinion), at 1-2.

On March 30, 2011, due to the absence of any pending proceedings or proper jurisdiction, the Court docketed the March 22 filing, ordering no further action be taken. Defendant filed additional papers, dated April 7, 2011, seeking to move pursuant to a local civil rule for reconsideration of the Court's March 30 order.

Due to the absence of any case or controversy and lacking proper jurisdiction, as well as having reviewed Ware's instant motion and determined that it, like the March 22 filing, was frivolous and without merit, the Court ordered that Defendant's April 7, 2011 filings be docketed and no further action be taken.

At this time, Ware was cautioned as a former attorney, to refrain from burdening this Court with frivolous filings. Defendant was further instructed to direct any future inquiries to the Pro Se Office at:

United States District Court of the Southern District of New York, Pro Se Office
Daniel Patrick Moynihan United States Courthouse

500 Pearl Street, Room 230
New York, New York 10007

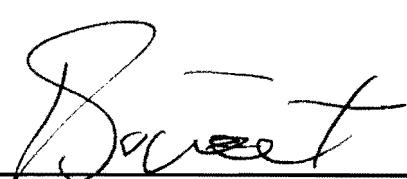
On January 11, 2014, Ware filed yet another motion, in his closed case, to dismiss the indictment. This motion was taken on submission on February 12, 2014.

Like Ware's previous filings, the instant motion occurs in the absence of any case or controversy, lacking proper jurisdiction, and, independently, is frivolous and without merit. Ware's Rule 12(b)(3) motion to dismiss the indictment, which was filed on December 20, 2007, fails to allege any basis not already litigated, and previously found to be without merit, under which to dismiss Ware's criminal indictment.

Ware is once again cautioned against filing further frivolous findings, and is directed to send future inquiries to the Pro Se Office, addressed above.

It is so ordered.

New York, NY
March 27, 2014


ROBERT W. SWEET

U.S.D.J.